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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,913	08/07/2001	Shinji Nishikawa	3007/50290	9051
23911	7590	04/22/2004	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			SHAHER, RICKY D	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/922,913

Applicant(s)

NISHIKAWA ET AL.

Examiner

Ricky D. Shafer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 6-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Applicant's arguments filed January 21, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a head-up display system which prevents double imaging )are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that there is no suggestion to modify the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the reference(s) themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the general knowledge of forming in one piece an article/device which has formerly been formed in two or more pieces and put together has been already well established, as set out in Patent Law. Note: *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

With respect to applicant's argument that the device of McDonald cannot be modified to retain its original operation is unsupported by any factual evidence to support applicant's conclusion.

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For example, applicant asserts in order to combine the circular polarizer 121 and quarter wave retarder 113 with a display panel as a laminate, these elements would all need to be parallel and would produce a device where the optical display is perpendicular to the transparent plate and light from the optical display would not reflect off the windshield (transparent plate) and reach the eye of the driver.

The examiner disagrees and states even if the circular polarizer, the quarter wave and the display panel were all made parallel to produce a device and the optical display was made perpendicular to the transparent plate, the light from the display would clearly reflect off the reflection hologram 123 and reach the eye of the driver which meets the claim limitations.

Notwithstanding the above issue, one can also form a laminate wherein the elements of the laminate are not strictly parallel to one another such as employing optical spacers to maintain positional relationship between the elements. Accordingly, applicant arguments are not persuasive and the rejection is maintained.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald ('108).

McDonald discloses a head-up display system comprising a transparent plate (one of the layers of a standard safety windshield, recited at column 4, lines 19-23), a liquid crystal display

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(111) for generating a display light of information and first and second quarter-wave films (113, 121), wherein said display light is changed from one polarization to another polarization (see column 3, lines 51-56) and incident on said transparent plate, note Fig. 3 along with the associated description thereof, except for explicitly stating that the first and second quarter-wave films form a laminate and arrange on a display panel of said liquid crystal display.

It is well known to bond a plurality of optical elements together in the same field of endeavor for the purpose of obtaining an unitary optical device.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the elements of McDonald to include a typical adhesive commonly used and employed in the optical art in order to obtain a compact optical device, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. Note *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

As to the limitations of claims 3-5, the quarter-wave films of McDonald inherently possesses the orientation specified by applicant due the fact that the display light is changed from one polarization to another polarization.

4. Yamanaka ('756), Hoppe ('023) and Roest ('332) each teach it is well known bond to a plurality of optical elements together in order to obtain a compact, unitary optical device.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

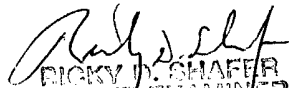
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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication should be directed to R.D. Shafer at telephone number (703) 308-4813.

RDS

April 19, 2004

  
RICKY J. SHAFER  
PATENT EXAMINER  
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